

County of Loudoun
Department of Planning
MEMORANDUM

DATE: February 12, 2010

TO: Ginny Rowen, Project Manager
Land Use Review

FROM: Sarah Milin, Senior Planner
Community Planning

SUBJECT: ZMAP 2009-0006 & SPEX 2009-0026
Morley Corner – Temple Baptist Church and School 2nd Referral

EXECUTIVE SUMMARY

The application requests to rezone approximately 20.93 acres to the PD-OP (19.19 acres) and PD-CC-NC (1.74 acres) zoning districts in order to construct a 140,000 square foot church with a private school (pursuant to the proposed Special Exception) and child care center, an auxiliary ministries/maintenance building, recreational uses, and up to 22,500 square feet of retail uses. The property is currently zoned PD-CC-CC and approved for the development of up to 260,000 square feet of retail and office uses pursuant to ZMAP 2006-0003 and SPEX 2007-0004, Morley Corner. The subject property is designated for Keynote Employment uses per the Revised General Plan and a large portion falls within the Transit Supportive Area (TSA) associated with the planned Route 772/Ryan Road metrorail station.

In the first referral, staff found that the proposal was inconsistent with the Revised General Plan's intent, recommended land use mix, and economic strategy for planned Keynote Employment areas. Other issues were raised regarding compatibility with surrounding residential areas, stream corridor resources, stormwater management, lighting, noise, site design commitments, and pedestrian and bicycle access. While the revised application adequately addresses some of these concerns, the majority remain unresolved. Community Planning staff cannot recommend approval of the Zoning Map Amendment and the Special Exception request as currently proposed.

BACKGROUND

Temple Baptist Church of Herndon, Virginia requests a Zoning Map Amendment (ZMAP) and a Special Exception (SPEX) for 20.93 acres of property currently zoned PD-CC-CC (Planned Development – Commercial Center - Community Center) under the Revised 1993 Loudoun County Zoning Ordinance in order to (1) rezone

Attachment 1 A

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approximately 19.19 acres to the PD-OP (Planned Development – Office Park) zoning district in order to construct a 140,000 square foot church with a private school (subject to the requested Special Exception) and child care center, an auxiliary ministries/maintenance building, and numerous recreational uses; and (2) rezone approximately 1.74 acres to the PD-CC-NC (Planned Development – Commercial Center - Neighborhood Center) zoning district in order to permit up to 22,500 square foot of retail uses in the northeast corner of the subject property. Several Zoning Ordinance modifications are also proposed to reduce to 20 feet the required 100 foot perimeter yard adjacent to the R-16 zoned property to the north.

In December 2007, the subject property was rezoned from the PD-OP zoning district to PD-CC-CC (ZMAP 2006-0003 & SPEX 2007-0004, Morley Corner) for the development of 260,000 square feet of retail and office uses. The previous application included an additional 10.97 acres north of the subject property which was rezoned to R-16 for the development of 128 multi-family dwelling units; this portion of the Morley Corner property is not included in this application. At the Applicant's request, a Boundary Line Adjustment (BLAD 2009-0036) was approved on September 1, 2009 to separate the R-16 zoned portion of the property from the existing PD-CC-CC portion.

The Applicant has responded to Community Planning's first referral dated November 6, 2009 by providing a response letter, revised Zoning Map Amendment and Special Exception plats (dated December 8, 2009), and draft proffers (dated December 15, 2009). Upon review of the submitted materials, it appears that few issues raised in the first referral have been adequately resolved. Below is a summary of the outstanding issues that need to be addressed in order for the application to fully conform to the Revised General Plan. This referral is intended to be supplementary to Community Planning's first referral.

OUTSTANDING ISSUES

1. LAND USE

In the first referral, staff found that the proposal was not consistent with the intent, recommended land use mix, and economic strategy envisioned by the Revised General Plan for Keynote Employment land uses within a Transit Supportive Area (TSA) for the following reasons:

- The Plan does not intend that public and civic uses be the predominant or sole use on properties designated as Keynote Employment. Although the Plan's land use mix envisions the inclusion of ancillary retail, public and civic uses within all Keynote Employment developments and does not set a maximum limit on public/civic uses, these areas are intended to be the location of 100% premier office uses and the land use mix specifies a minimum 70% requirement for regional office uses (Revised General Plan, Chapter 6, Keynote Employment Center Policy 4). Other types of uses should remain ancillary to the predominant regional office use and support the businesses and employees located there. The proposal, if approved,

would result in the following land use mix for the 20.93-acre subject property and is inconsistent with Plan policies given that no office development is proposed.

Table 2: Proposed versus Plan-Recommended Land Use Mix (Keynote Employment Center)

Land Use Category	Minimum Required to Maximum Permitted (Revised General Plan)	Proposal**
Regional Office	70% - 85%	0%
Commercial Retail & Services*	0 – 10%	8%
Public & Civic	At least 5% (no maximum)	40%
Public Parks & Open Space	At least 10% (no maximum)	52%

* Retail Policy guidance provided in Countywide Retail Plan.

** Based on staff calculation of the Conceptual Development Plan (Sheet 3). All percentages are approximate. The “potential future parking” area just north of the proposed pavilion is included in the public parks and open space category. The R-16 portion of the Morley Corner property that was previously approved is not included in these calculations.

- The proposed church, due to its large size and regional character, is inconsistent with the ancillary, supportive civic uses typically envisioned for Keynote Employment areas. The Plan defines civic uses as “public or quasi-public institutional uses in residential or business areas that primarily serve the immediate community and that, due to their small size, design and limited ancillary activities (traffic, parking, noise, or similar activity), are compatible with the surrounding residential or business uses” (*Revised General Plan, Glossary, Civic Uses*). Small churches are specifically cited in the Plan as an example of an appropriate civic use within these areas. In comparison, the proposal is for a 140,000 square foot two-story church/school building with a 1,450 seat sanctuary, a private school serving approximately 500 students from Kindergarten through the 12th grade, a before- and after-school facility for 150 to 200 students, a 20,000 square foot church ministries, youth center, and athletic field maintenance/storage facility, and numerous active recreational uses. At this scale, the proposed facility will serve a much larger population than in its immediate area.
- The proposed uses, particularly the proposed outdoor recreational activities, will generate lighting, noise, and other impacts that are potentially incompatible with adjacent existing and planned residential areas. Although the draft proffer statement includes lighting and noise commitments, stronger commitments are needed to fully mitigate anticipated detrimental impacts. The Plan states that steps taken to mitigate the impact of parking, signs, and other associated activities on the surrounding community will be considered when evaluating Business land use proposals (*Revised General Plan, Chapter 6, Generally Business Land Use Policy 3*).

- Regarding the proposed PD-CC-NC retail component, although the amount of retail is consistent with the Keynote Employment land use mix, a service use intended to support surrounding developments should not be located in a Keynote Employment area; rather, ancillary uses should support the predominant office use located on the site and not attract “drive-by” shoppers or function as destination retail (*Revised General Plan, Chapter 6, Keynote Employment Center Policy 1; Retail Plan, Employment Supportive Retail Centers, Policy D.1, pg. 18 and Policy A1, p. 14*). According to the Applicant’s response letter, the proposed retail use will be community-oriented and support the surrounding residential communities, church users, and office/industrial uses located within walking distance across Ashburn Village Boulevard, inconsistent with these policies. The proposed retail use is also within 2,000 feet of The Shoppes at Ryan Park, contrary to Retail Plan policies calling for the separation of service-area based retail by a minimum of 4,000 feet to prevent strip commercial development and the consolidation of centers into a larger commercial complex (*Retail Plan, Policy A4, pg. 15*).

Staff in the first referral concluded that office uses are the preferred development pattern on the site from an economic development standpoint in order to help create a balanced, mixed-use community with a significant office component and provide additional opportunities for nearby residents to live close to places of employment. Given its location less than a mile from a future metro station, the property could over time become a more desirable site for office development. Staff also noted that this application is proposing a change from commercial uses, which will generate tax revenues to the County, to church uses which, as a religious organization, may be tax exempt. When evaluating Business land use proposals, the Plan calls for consideration of the potential fiscal impacts (*Revised General Plan, Chapter 6, General Business Land Use Policy 3*).

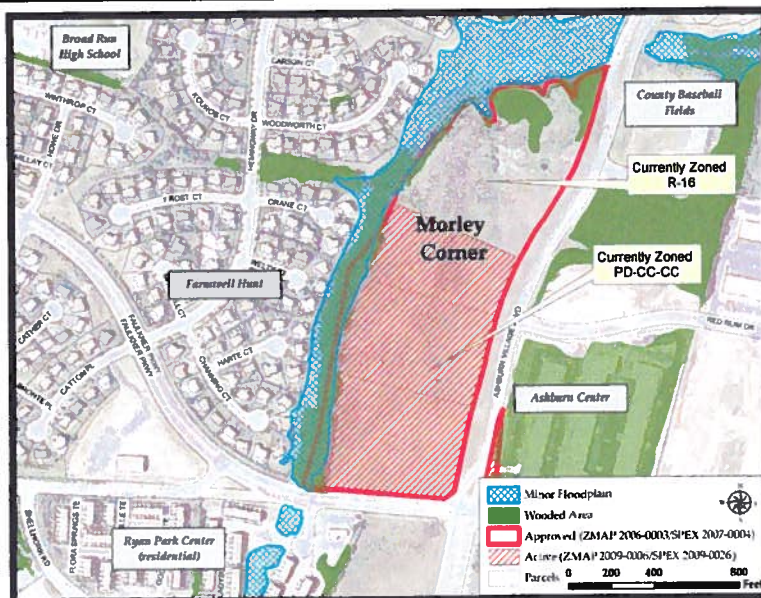
The Applicant’s response letter indicates disagreement that the proposed uses are not in compliance with the Revised General Plan, stating that the proposal should be viewed in the context of the larger Keynote Employment corridor rather than on an individual site. The Applicant further states that that proposal provides an innovative land use mix that is complementary to the surrounding predominantly residential community; will provide a definitive transition and offer civic support services to Keynote employees and surrounding residents; results in a reduced footprint, more recreation space, and reduced traffic generation in comparison to the previously approved Morley Corner application (ZMAP 2006-0003 & SPEX 2007-0004, Morley Corner); and will employ approximately 50 employees. The Applicant further states that in adopting the Revised 1993 Loudoun County Zoning Ordinance, the Board of Supervisors crafted the PD-OP zoning district as its preferred district to implement Keynote Employment uses, which permits the proposed uses by-right or by Special Exception. Regarding the proposed retail uses, the Applicant states that this application reduces the total retail component to 22,500 square feet, far less than the 260,000 square feet that was previously approved.

The revised application maintains the proposed land uses as previously submitted. While staff understands and supports the Applicant's desire to locate in Loudoun County, a large-scale, regional church use with associated educational and recreational facilities is not anticipated within designated Keynote Employment areas per the Revised General Plan for the reasons stated above. Staff also notes that while the Plan acknowledges that the Plan-specified land use mix may not be achievable for most properties less than 50 acres and allows for alternatives that are more appropriate to the specific site, properties designated for Keynote Employment uses are specifically exempted from this policy (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 8). Viewing this proposal in the context of the greater Keynote Employment corridor or deviating from the specified land use mix, as the Applicant suggests, is not supported by Plan policies.

Staff finds that the proposal does not conform to the Revised General Plan's vision for Keynote Employment areas, which are planned for 100% office uses with ancillary, supportive civic and retail uses.

2. COMPATIBILITY WITH SURROUNDING USES

An established residential neighborhood (Farmwell Hunt) is located immediately west of the subject property on the other side of the floodplain and additional residential uses, specifically 128 multi-family dwelling units, are planned in the northern, R-16 section of Morley Corner. In the first referral, staff expressed concern that the proposed outdoor recreational uses (including several playing fields and tennis and basketball courts) will have detrimental lighting, noise, and other impacts on these existing and planned neighborhoods (see Vicinity Map). Plan policies envision that residential neighborhoods will have a peaceful character suitable for private domestic life (Revised General Plan, Chapter 11, Residential Neighborhood Design Guidelines).



Vicinity Map

While the Applicant's draft proffer statement includes several commitments aimed at reducing potential impacts, stronger measures are recommended to ensure that the existing quiet and comfort of surrounding residential areas is maintained to the greatest extent possible. Prior to resubmission of the application, it may be helpful for the Applicant to meet with adjacent property owners and homeowners association groups in

the area to discuss the proposal and possible mitigation measures if such a meeting has not already occurred.

a. Lighting

Outdoor lighting is to be provided for the proposed recreational fields, basketball and tennis courts, parking lots, and exteriors of the buildings. In the first referral, staff recommended that the application commit to the use of lighting that is the minimum necessary and specifically chosen or designed to reduce off-site glare and reflection. The draft proffer statement includes a commitment that fields may be lighted with the daily hours of operation of the lights restricted to no later than 9:30 p.m. as needed; that light pole heights will be limited to a maximum of 70 feet for the baseball, softball, t-ball and soccer fields and 40 feet for the basketball and tennis courts; and that these lights shall be cut-off and fully shielded and directed downward and inward to minimize glare on adjacent properties and streets (Proffer IV.D). The previously-approved site lighting commitment pertaining to lighting fixtures within parking areas and on building exteriors remains (Proffer VI.C).

Staff recommends that stronger reduced glare lighting commitments be provided. Appropriate commitments could include, but are not limited to, additional restrictions that exterior parking lot lights, with the exception of security lighting, shall be dimmed or turned off at certain times of night. Staff further recommends that Proffer IV.D be expanded to include similar restrictions on lighting for the basketball and tennis courts (i.e., that they may be lit until 9:30 p.m.).

Lastly, staff strongly encourages the Applicant to explore and provide a commitment regarding the use of technologically advanced outdoor field lighting systems that are specifically designed to reduce off-site glare and reflection.

b. Noise

In the first referral, staff expressed concern that roadway noise generated by Ashburn Village Boulevard and Waxpool Road may impact the proposed outdoor recreational uses including the athletic fields, tennis and basketball courts, and pavilion. Both the Revised General Plan and the Revised Countywide Transportation Plan state that noise abatement measures, such as earthen berms, wooden fences, greater setbacks and the retention of existing vegetation or enhanced landscaping, will be considered for recreation and active sports areas if noise levels approach or exceed 67 decibels (dBA) (Revised General Plan, Chapter 5, Highway Noise Policy 2). The Applicant's response letter indicates that a noise attenuation study completed by Polysonics Corporation found peak hour traffic noise impacts from Ashburn Village Boulevard to be 66 dBA, in conformance with Plan policies.

Staff requests a copy of the referenced noise attenuation study for review.

Staff also recommended in the first referral that the application address noise impacts generated from the proposed outdoor recreational activities uses on adjacent residential properties to the north and west. Plan policies call for noise abatement measures to be provided when noise levels approach or exceed 67 decibels (dBA) in residential yards and 52 decibels (dBA) in the interior of homes (*Revised General Plan, Chapter 5, Noise Abatement Criteria (NAC) Hourly A-Weighted Sounds Levels Table*). The Applicant's response letter indicates that no public address system or loud speakers are proposed for the outdoor recreation uses. The draft proffer statement includes a limit on the daily hours of operation of recreational field lights to 9:30 pm (Proffer IV.D).

Staff recommends that stronger noise commitments be provided. Appropriate commitments could include, but are not limited to, restrictions that no public address system or loudspeakers will be allowed for the outdoor recreational uses; that no hand-held, "bullhorn", type of sound enhancement will be permitted; and that the use of whistles for any purposes associated with outdoor recreation shall be limited to fields of play.

3. STREAM CORRIDOR RESOURCES

An unnamed tributary of Beaverdam Run is located along the western edge of the site. In the first referral, staff recommended the application conform to the river and stream corridor resource policies of the Revised General Plan by depicting the full 50-foot management buffer and committing to develop the stream corridor only with those uses permitted by Plan policy (*Revised General Plan, Chapter 5, River and Stream Corridor Resources Policies 5 and 18*). The Applicant's response letter notes that the proposed application results in a significant decrease in the amount of impervious surface on the property compared to the previously-approved application and that extensive open space areas are proposed adjacent to the stream corridor that will provide a filtration area ensuring high water quality and the integrity of stream resources. For these reasons, the Applicant is maintaining the same stream corridor resource commitments previously approved with the 2007 rezoning (ZMAP 2006-0003 & SPEX 2007-0004, Morley Corner), namely the provision of a Tree Conservation Area (TCA) along the existing tree line within and adjacent to the floodplain (Proffer VI.A) and a minimum 25-foot riparian buffer (Proffer VI.B).

Staff notes that the active and passive recreational uses proposed in the application are allowed by Plan policy within the 50-foot management buffer, with the possible exception of the "Potential Future Parking" area and the basketball/tennis courts. Full compliance with the river and stream corridor resource policies would likely not result in changes to the proposed location, layout, or density of uses.

Staff recommends that the Applicant depict the full 50-foot management buffer on the Concept Plan and appropriate sheets and commit to developing the stream corridor only with uses permitted by Plan policy. The Applicant should confirm that the "Potential Future Parking" area and the basketball/tennis courts fall

outside of the recommended 50-foot management buffer.

Staff further recommends that the proposed Riparian Buffer (Proffer VI.B) and Tree Conservation Area (Proffer VI.A) commitments be strengthened and updated. Specific recommended changes include revising Proffer VI.A to limit encroachments that can be counted towards the 20 percent disturbance threshold to trails, stormwater management facilities, and utilities and removing the option in Proffer VI.B that clearing and grading may occur within the proposed 25-foot minimum riparian buffer prior to reforestation.

Staff also encourages the Applicant to consider expanding the proposed Tree Conservation Area width to the full 50-foot management buffer if possible in order to provide a greater vegetated buffer between the proposed outdoor recreational activities and adjacent residences in Farmwell Hunt.

4. STORMWATER MANAGEMENT

In the first referral, staff recommended that the Applicant commit to appropriate on-site water quality measures, including LID strategies and practices such as bioretention areas near stormwater inlets, that will help protect and restore water quality in the adjacent tributary. On-site water quality measures for this project are critical given that the receiving stormwater management pond was constructed without a sediment forebay, which is now a requirement for all new ponds. Information was also requested regarding whether the proposed outdoor recreational fields will be constructed of synthetic turf or grass that will need to be maintained with fertilizers, pesticides and insecticides. The Applicant's response letter indicates that the fields will be constructed as grass. The draft proffer statement includes a commitment that organic fertilizers, pesticides and insecticides will be used, if needed, to maintain the grassed playing fields and that the on-site well will be used for irrigation of the fields (Proffer VI.H). The previously-approved proffer commitment pertaining to the use of Low Impact Design measures (Proffer VI.F) is maintained.

Staff recommends a stronger commitment regarding on-site water quality approaches, for example bio-retention areas near stormwater inlets and providing forebays at the principal stormwater outfalls to the receiving stormwater management pond.

5. SITE DESIGN

The physical development of the site should comply with the Keynote Employment design guidelines, which call for Keynote Employment uses to be the prominent feature of the site when viewed from periphery roads; exhibit the highest quality in site and building design; maintain larger front and side yards to permit extensive landscaping and design features that accentuate the larger-scale structures; and place parking behind buildings or in the center of the blocks (Revised General Plan, Light Industrial and Regional Design Guidelines, Keynote Employment).

a. Parking

The Plan calls for Keynote Employment areas to provide “large front yards with extensive landscaping and design features” in order to accentuate the larger-scale buildings (Revised General Plan, Chapter 11, Design Guidelines). In the first referral, staff recommended that the proposed parking spaces in front of the main church building be relocated to a location internal to the development, perhaps behind the building, so that an enlarged, extensively landscaped front yard can be provided, consistent with the Plan’s vision. The Applicant has responded by stating that the proposed layout splits the parking areas to the north and south of the main church building in order to mitigate the visual impact of the parking areas. The Applicant further states that a landscaped buffer, as shown in the concept plan, will be provided to screen the proposed parking areas. Type I buffers are required by the Revised 1993 Zoning Ordinance along the property’s frontages with Ashburn Village Boulevard and Waxpool Road.

Given the shape of the property and the desire for convenient and safe pedestrian access from the church building to the proposed outdoor recreational uses, staff can support the parking and building layout proposed in the application (Revised General Plan, Chapter 6, Generally Business Land Use Policy 3). As a result, however, extensive parking areas will be adjacent to surrounding roadways with minimal setbacks, making them, not the buildings, the predominant feature of the site.

Staff recommends a commitment that the visual effect of the parking be softened through the use of enhanced year-round landscaping and/or berming, thereby ensuring the visual prominence of the buildings and mitigating the visual impacts of parking areas adjacent to Ashburn Village Boulevard and Waxpool Road.

b. Architectural and Site Design Commitments

In the first referral, staff recommended that appropriate commitments be provided ensuring that the proposed development will exhibit the high quality, monumental building and site design characteristics with four-sided architecture that are envisioned for Keynote Employment areas and depicted in the application materials. Such commitments should be provided not only for the church-related buildings, but also the proposed retail use and address architectural design, the provision of usable outdoor spaces, the adequate screening of mechanical equipment, etc.

The draft proffer statement maintains the previously-approved commitment regarding conformance with the Morley Corner Design Guidelines dated August 31, 2007. While a good starting point, the previously-approved design guidelines were developed for a mixed-use project containing office, retail and residential uses. Many of the sections in the guidelines (such as outdoor plazas, residential building design, storefronts, canopies and awnings, etc.) may not be applicable to the uses proposed in this application. As such, enforcement of the document may be problematic and confusing. Furthermore, the guidelines include design review

procedures that call for the formation of a Design Review Board consisting of members appointed by the developer and subsequently the Owners Association. It is not clear who will sit on the Design Review Board other than Temple Baptist Church, the future purchaser of the proposed PD-CC-NC section, and one non-voting member of the Farmwell Hunt Owners Association. Staff also notes that the proposed guidelines call for an administrative review fee of \$1,500 to be paid to Morley Corner c/o Keane Enterprises, Inc.

Staff recommends that design guidelines be updated to reflect the uses proposed in this application and clarify how they will be administered.

6. PEDESTRIAN AND BICYCLE ACCESS

Staff noted in the first referral that external as well as internal pedestrian and bicycle accommodations have a high priority for this project given the site's location within the Transit Supportive Area (TSA) and provided a number of recommendations regarding enhanced pedestrian crosswalks, the provision of bicycle racks, and the continuation of the shared-use path along Waxpool Road.

a. Crosswalks

The proposed design guidelines includes a section regarding paved pedestrian areas which states that special attention should be given to pedestrian walkways that cross over roads and service areas. Such crosswalks should be constructed of decorative paving and have either the same decorative material in a contrasting pattern or concrete as an edging. This section does not appear to be enforceable given the use of the word "should" rather than "shall" or "will".

If the design guidelines are updated to reflect the current proposal, as recommended above, then the section pertaining to paved pedestrian areas should be strengthened to ensure that they are enforceable. Alternatively, language regarding crosswalks should be added to the proffer statement.

b. Bicycle Racks

The draft proffer statement commits to a minimum of two bicycle parking racks at one or more locations through the property, one in the PD-OP section and one in the PD-CC-NC section (Proffer IV.C). No information regarding the capacity of the racks has been provided.

Staff recommends that Proffer IV.C be revised to specify a minimum capacity for the proposed bicycle racks.

c. Waxpool Road Trail

In the first referral, staff recommended that the Applicant coordinate with the Farmwell Hunt HOA to continue the shared-use path along Waxpool Road to the Applicant's western property line and eliminate the 65-foot off-site gap. According to the response letter, due to the length of these two frontages and the

high cost of constructing the trail over a stream (including the potential need to construct a bridge), the Applicant cannot extend the trail off-site.

Staff understands the Applicant's reluctance to commit to extending the Waxpool Road off-site due to costs. However, if a continuous shared use trail is not provided along Waxpool Road, then bicyclists and pedestrians will be forced onto the street where they will compete with motor vehicles for pavement. This unsafe situation could be exacerbated in the future once the project is developed and bicycle and pedestrian activity on Waxpool Road increases. For these reasons, staff recommends further discussion of this potential issue.

RECOMMENDATIONS

Community Planning staff cannot recommend approval of the Zoning Map Amendment and the Special Exception request due to inconsistencies with the intent, recommended land use mix, and economic strategy envisioned by the Revised General Plan for Keynote Employment land uses. If this application moves forward, staff recommends that the outstanding issues outlined above be addressed.

Cc: Julie Pastor, AICP, Director, Department of Planning
Cindy Keegan, AICP, Program Manager, Community Planning – via e-mail

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: May 13, 2010

TO: Ginny Rowen, Project Manager, Department of Planning

FROM: Todd Taylor, Environmental Engineer

THROUGH: William Marsh, Environmental Review Team Leader

CC: Teresa Miller, Zoning Planner
Sarah Milin, Community Planning, Department of Planning

SUBJECT: **ZMAP-2009-0006 & SPEX-2009-0026**
Morley Corner – Temple Baptist Church and School
(3rd Submission)

The Environmental Review Team (ERT) has reviewed the revised application, including plat dated July 30, 2009, revised through April 5, 2010. The following summarizes staff's remaining comments.

1. For clarity, please replace the two references to "related to clearing, grading, and the location of utilities" with "related to the installation of utilities" in the Riparian Buffer and Management Buffer proffer (Proffer VI.B). Staff is concerned the "clearing" and "grading" language could be misinterpreted to mean clearing and grading associated with any type of use.
2. Staff encourages the applicant to expand the current tree conservation areas, particularly, west of the baseball fields and west of the parking associated with the Ministries Building. It appears that expansion in these areas will not impact the development layout. [Revised General Plan (RGP) Forest, Trees and Vegetation Introductory Text and Policy 1]
3. Staff recommends updating the Tree Conservation Area proffer (Proffer VI.A) to limit encroachments that can be counted towards the 20 percent disturbance threshold, to trails, stormwater management facilities, and utilities, consistent with language approved by the County Arborist and with other recent rezoning applications.

Attachment 1 B

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4. To help protect water quality and reduce future maintenance requirements/expenses, staff recommends that an assurance be provided with this application indicating that pre-treatment of stormwater runoff from the proposed project shall occur prior to discharging to stormwater ponds constructed without sediment forebays. [Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) Section 6-1211(E)(9)]
5. Previous discussions for other projects involving irrigation of athletic fields of a similar scale has indicated that demand may exceed the average of 10,000 gallons per day during a 30-day period threshold, which requires hydrogeologic assessment, per Facilities Standards Manual (FSM) Section 6.420. Considering the athletic fields may be constructed in phases and associated water demand could be overlooked, staff recommends a condition of approval stating that a hydrogeologic assessment shall be conducted at the time of the first site plan submittal, if irrigation results in the extraction of an average of 10,000 gallons per day during a 30-day period. [Revised 1993 LCZO Section 6-1211(E)(5)]
6. Staff also recommends a condition of approval to construct a rainwater cistern onsite that would help meet irrigation demand for athletic fields and landscaping. Said design measure would mitigate the effect of fields and landscaping on the County's groundwater supply and support long term water conservation, as encouraged by Revised General Plan in General Water Policy one, page 2-20.

Please contact me if you need any additional information.

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: September 14, 2009

TO: Ginny Rowen, Project Manager

FROM: Michael Clem, Environmental Review Team Archaeologist

SUBJECT: **ZMAP-2009-0006 & SPEX-2009-0026 Morley Corner – Temple Baptist Church and School**

Staff has reviewed the Phase 1 archaeological survey report for the subject property prepared by Thunderbird Archeology, Inc. in 2006.

No archaeological sites were identified on the property as a result of the survey. No further work was recommended for this property.

Recommendation

Staff concurs with the finding of the report and agrees that no further archaeological work is warranted.

**COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT**

MEMORANDUM

DATE: May 12, 2010

TO: Ginny Rowen, Project Manager

CC: Marilee L. Seigfried, Deputy Zoning Administrator

FROM: Teresa Miller, Planner, Zoning Administration

CASE NUMBER AND NAME: ZMAP-2009-0006 Morley Corner – Temple Baptist Church,
3rd submission

LCTM: /79//62/////1/
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MCPI: 088-37-1171
088-47-1916
088-47-3765

I. Application Summary

The applicant is proposing to rezone the above referenced parcels, comprised of approximately 20.93 acres, from PD-CC-CC under the Revised 1993 Zoning Ordinance to PD-OP and PD-CC-NC under the Revised 1993 Loudoun County Zoning Ordinance.

The following issues must be addressed for the application to be in conformance with the requirements of the Revised 1993 Loudoun County Zoning Ordinance ("the Ordinance").

Zoning staff notes a boundary line adjustment will need to be approved to consolidate the lots prior to site plan approval.

II. Critical Issues

1. Original Comments: *With the proposed development of the property, the application does not meet the purpose of the PD-OP zoning district as described in Section 4-301 as "primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities...." The applicant may wish to select a more appropriate zoning district which would permit all the proposed uses. A suggested district would be R-16, as a portion of the Morley Corner rezoning is already within this zoning district. Staff maintains the proposed development of the property does not meet the intent of the PD-OP zoning district.*

The intent of the application is to develop the entire Planned Development-Office Park as a single use for church with accessory uses. As such, the intent of the PD-OP zoning district has not been met.

Attachment 1 C

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2. Original Comments: *The applicant has not demonstrated the school is accessory to the church. It appears the private school is a principal use, which is not permitted in the PD-OP zoning district. Note while Section 4-304(S) permits school, private, accessory to a church by special exception, the school must be accessory and open only to members of the church.*

Staff reiterates the applicant has not demonstrated the school is accessory to the church. By definition, an accessory use is one which is which is customarily incidental and subordinate to the principal use of the building. Co-location of two principal uses does not make them accessory to one another.

Consistent administration regarding uses accessory to a church is that if the accessory uses are operated for the members of the Congregation it is considered accessory.

That being said, should the applicant be able to demonstrate the school is accessory to the church, the Special Exception for Private School, Accessory to a church will not be required as the school would be allowed per the definition of church. Proffer II. A. will need to be updated accordingly as well as the removal of Sheet 6 from the plan set.

The definition of Church, synagogue, temple or mosque includes accessory uses such as private school; therefore the special exception for accessory private school is not needed. The school must remain accessory to the church to be permitted. Remove all references to the special exception from the application, concept development plan and proffers as well as remove the labeling of the special exception plat.

III. Proffers

1. Proffer II. Development Scope A. PD-OP Development – Update this proffer to delete Section 4-303(P). The accessory recreational facilities are accessory to the church and not a park. Also, as the private school is accessory to the church, the special exception can be withdrawn and references to the special exception removed from the proffer.
2. Proffer IV. Recreational Facilities and Sidewalks C. Bicycle Parking – clarify the number of bike racks to be provided. The strike through version of the draft proffers spells out “two” followed by the number “4”.
3. Proffer VII. Property Owners Association B. Design Guidelines – the proffers references the Design Guidelines dated August 31, 2007. The Design Guidelines submitted with the application are dated April 6, 2010. Please clarify. In addition, please review the grammar in the proffer. In particular, the final sentence of the section which appears to be missing “of”. As written, the design review committee shall review all site plans on the property.
4. Exhibit A Zoning Modifications - the modification request for Section 4-206(D)(1) will need to be added to the exhibit.

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: May 25, 2010
TO: Ginny Rowen, Project Manager, Department of Planning
FROM: George Phillips, Senior Transportation Planner *GP*
SUBJECT: ZMAP 2009-0006 & SPEX 2009-0026,
Morley Corner – Temple Baptist Church and School
Third Referral

Background

In response to second referral OTS comments dated March 19, 2010, the Applicant has provided revised materials and responses for review. This review is based on materials received from the Department of Planning on April 14, 2010 including (1) a response letter from the Applicant's representative dated April 9, 2010 (2) a revised draft redline proffer statement, dated April 9, 2010 (including the Applicant's "Proffer Allocation Agreement") and (4) a revised zoning map amendment and special exception plats (plan set) prepared by Bowman Consulting Group, Ltd., revised through April 5, 2010.

Transportation Comments

Discussed below are previous OTS comments from the first and second referrals, the Applicant's responses (January 7, 2010 and April 9, 2010) and the current issue status in terms of whether the issue has been adequately addressed.

1. **Initial Staff Comment (First Referral):** Regarding the Applicant's July 29, 2009 traffic study:
 - a. **Initial Staff Comment (First Referral):** Please clarify whether the applicant is proposing a 140,000 square-foot two-story church/school building with 1,450 seats as stated in the Statement of Justification or a 160,000 square-foot two-story church/school building with 1,600 seats as shown in the traffic study.

Applicant's Response (January 7, 2010): The applicant is proposing a 140,000 sq. ft. two-story church/school building with 1,450 seats in the main auditorium, as stated in the Statement of Justification, as well as a 20,000 sq. ft. "ministries

Attachment 1 D

building," which will accommodate 150 congregants in the main auditorium. The 20,000 sq. ft. ministries building was incorporated into the trip generation for the traffic study.

Issue Status (Second Referral March 19, 2010): The applicant has provided the requested clarification and OTS had verified that the 20,000 square-foot ministries building was incorporated into the revised traffic study. Issue resolved.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: Issue resolved.

- b. **Initial Staff Comment (First Referral):** Provide detailed information on the type of retail/general business planned for the 22,500 square-foot business/retail area. Clarify the reason for using ITE code 814 (Specialty Retail Center) vs. ITE code 820 (Shopping Center) to estimate the trips generated. Please indicate if the applicant is proposing an automated carwash in this area. If so, please use ITE code 948 (Automated Car Wash) to calculate the AM and PM peak hour volumes.

Applicant's Response (January 7, 2010): *"Specialty Retail Center", as defined in the ITE trip generation manual is "...generally small strip shopping centers that contain a variety of retail shops." The average size listed in the ITE manual for this use is approximately 25,000 sq. ft. The retail component proposed on the site is similarly sized at 22,500 sq. ft. and matches the definition listed in the ITE manual. ITE Code 820 ("Shopping Center") was not used, since the average size for a Shopping Center listed in the ITE manual is approximately 328,000 sq. ft. The definition of the Shopping Center in the ITE manual is "...an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. The retail component proposed on the site is a small supporting retail use that more appropriately fits the definition of "Specialty Retail Center."*

Issue Status (Second Referral March 19, 2010): Based on the proposed size of the retail component, OTS agrees that utilizing ITE Code 814 for a Specialty Retail Center is acceptable. However, the applicant has not clarified if an automated carwash is to be included with the proposed development and, if so included, whether the trip calculations for the car wash will be based on the ITE Code 948 for an automated car wash. Issue not resolved.

Applicant Response (April 9, 2010): *No automated carwashes are contemplated in this proposal and as a result, the Applicant has used Code 814 for a Specialty Retail Center.*

Current Issue Status: Issue resolved.

- c. **Initial Staff Comment (First Referral):** Clarify the reason for using a 15% pass-by allowance reduction. The VDOT pre-scope of work meeting form (base assumptions) shows no internal allowance reduction and no pass-by allowance reduction (page 2 of 8).

Applicant's Response (January 7, 2010): *Although the proposed retail component was a new land use introduced/added after the scoping meeting, it is not the primary use for the site, but rather a supporting use. The previously-approved Morley Corner application would permit the construction of up to 156,000 sq. ft. of retail uses on the Subject Property. This application only seeks the construction of 22,500 sq. ft. of retail uses and, therefore, the size of the retail component is relatively minimal in relation to the approved retail use for the site and generates significantly fewer trips. Following the Chapter 527 guidelines and using references from other projects in the area, a 15 percent pass-by reduction is allowed for specialty retail uses and was therefore included in the analysis.*

Issue Status (Second Referral March 19, 2010): OTS agrees that it is acceptable to assume a 15% pass-by reduction for the proposed retail portion on the development. Provided that VDOT concurs, issue resolved.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: VDOT allows for this 15% pass-by reduction in the Chapter 527 regulations. Issue resolved.

- d. **Initial Staff Comment (First Referral):** Explain the reason why the applicant is not including traffic volumes generated by the child care facility (before and after school programs). According to the information provided, the child care facility will accommodate approximately 150-200 students.

Please indicate whether the applicant is assuming the 150-200 students are included within the estimated 500 students that will be attending the "Private School (K-12)" (ITE code 536). OTS staff notes that a child care use typically has different hours of operation than a school use, which may have a greater impact on traffic during peak hours. Also indicate whether the child care facility would be open to the general public.

Applicant's Response (January 7, 2010): *The proposed before- and after-school child care will only be open to Temple Baptist School students, grade K3 (Kindergarden students aged 3, 4, and 5) through grade 12 and will operate prior to school starting at 6:00 a.m. and after school until 7:00 p.m. The 150 to 200 students are included within the estimated 500 students that will be attending the private school. As presented in the trip generation table, the "peak hour of adjacent street*

traffic” rates were used. The trips generated by the 500 students during the peak hours were evaluated and analyzed in combination with the peak hour of commuter traffic. Hence, the traffic study evaluated the “worst-case” scenario.

Issue Status (Second Referral March 19, 2010): OTS has reviewed the applicant’s response and agrees with the “worst case” scenario methodology. Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved

- e. **Initial Staff Comment (First Referral):** Please clarify the use of the 20,000 square-foot church ministry building. According to the information provided, it will be accommodating 150 congregants but it is not been included in the traffic study as a trip generator.

Applicant’s Response (January 7, 2010): *As indicated in the Statement of Justification, the proposed 20,000 sq.ft. ministries building will be used for various church ministries, as well as a youth center and athletic field maintenance/storage facility. The building will include a 1,520 sq. ft. main auditorium with seating for 150 congregants, a youth fellowship hall, Sunday School classrooms, and a church vehicle maintenance facility. As stated above, the 20,000 sq. ft. ministries building was incorporated into the trip generation for the traffic study.*

Issue Status (Second Referral March 19, 2010): The applicant has provided the requested clarification and OTS had verified that the 20,000 square-foot ministries building was incorporated into the revised traffic study. Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved

- f. **Initial Staff Comment (First Referral):** There are 10.4 acres of active and passive recreation space, which will accommodate baseball/softball, t-ball, soccer fields and tennis courts. Please clarify if these fields will be open to the general public, whether games are going to be scheduled after school (please provide approximate times/schedule). This use has not been included in the trip generation part of the study.

Applicant’s Response (January 7, 2010): *The proposed recreational fields are not contemplated to be open to the general public. While the precise schedule for use of the recreational fields after school have not been determined, the draft proffers restrict the daily hours of operation for the recreational facility lights to no later than 9:30 p.m. (see proposed Proffer IV.D).*

Issue Status (Second Referral March 19, 2010): The applicant notes that the proposed recreational fields are not contemplated to be open to the general public. This needs to be clarified in the proffers. Assuming the applicant clarifies that the fields are for use only by the private school, then the trip generation for the fields would not need to be calculated separately from ITE Code 536 for a Private School (K-12).

Applicant Response (April 9, 2010) : *The draft proffer statement has been updated to reflect the fact that the proposed recreational fields will be used only in conjunction with church activities only and will not otherwise be open to the general public (see proposed Proffer IV.D). The fields form a part of Temple Baptist Church's recreational ministry and the Applicant has accounted for the trips as a part of the overall church development which assumes a private school accessory to the church. Apart from church use, there will not be any use of the proposed recreational fields.*

Current Issue Status: Issue resolved.

- g. **Initial Staff Comment (First Referral):** The 1,458 daily total trips calculated for the 160,000 square-foot church match with staff's calculations, but the peak hour volumes do not. The study shows 90 trips in the AM peak hour and 88 in the PM peak hour, while using the ITE code staff calculates 115 and 106, respectively. Same calculations disparities exist with the private school peak hour trips shown in the study. Please clarify/specify the ITE formula/table/page used by the consultant.

Applicant's Response (January 7, 2010): *The applicant respectfully disagrees. ITE's Trip Generation, 8th Edition: An ITE Informational Report, was used as discussed at the scoping meeting. The trip generation calculations from this latest version were cross-checked and were found to be accurate. However, it is noted that staff's AM and PM peak hour calculations (115 and 106 trips, respectively) presented in the referral appear to be based on the 7th Edition of the trip generation manual. Hence, a discrepancy was observed by the staff in the trip generation numbers. The relevant pages from ITE's Trip Generation Manual 8th Edition are enclosed for staff's review.*

Issue Status (Second Referral March 19, 2010): OTS has reviewed ITE's Trip Generation Manual, (8th Edition) and agrees with the applicant. Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved.

2. **Initial Staff Comment (First Referral):** Pending confirmation of trip generation information and impacts as noted in Comment # 1 above, OTS expects at a minimum the applicant to provide the improvements committed to in the previously approved Morley Corner (ZMAP 2006-0003) proffers. To this end, OTS notes the following:

- a. **Initial Staff Comment (First Referral):** The Statement of Justification (page 7 of 16) states that *"The proffers for the Morley Corner [previous ZMAP approved] will be constructed by the developer of the residential component by agreement between the Church and the residential developer"* but the Level Of Service (LOS) in this area is failing under current circumstances, therefore Ashburn Village Boulevard needs to be open to traffic as a 4-lane median-divided facility prior to issuing any zoning permit for this application.

Applicant's Response (January 7, 2010): *The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning. Specifically, Proffers V. A.1 and V.A.2 of the proffers associated with the Morley Corner application provides for dedication and construction/bonding of two lanes of an interim four lane divided road section of Ashburn Village Boulevard across the frontage of the Subject Property, in addition to right turn lanes and left turn lanes for the two full movement entrances to the Property prior to, or in conjunction with, first record plat/site plan approval (which ever occurs first). These proffers are being carried forward with this application (see proposed Proffer V.A). Given the reduced trip generation over the previously-approved Morley Corner application, and considering that the Applicant's first phase will include only the Phase 1 Church Building (located in the recreational field area) and recreational facilities, continuing the current proffer is sufficient.*

Issue Status (Second Referral March 19, 2010): OTS has reviewed the Applicant's "proffer allocation agreement" and understands its intent to carry forward all Ashburn Village Boulevard Improvements (i.e., completion of two additional (southbound) lanes plus left and right turn lanes) across the entire Morley Corner property, including the residential parcel north of the current subject site) that were proffered under ZMAP 2006-0003. While the "proffer allocation agreement" lists these improvements and contains date certain requirements for the bonding, commencement of construction, and completion of these improvements, the County is not party to this agreement. The draft proffer statement (Proffer V.A.1.), however, only references improvements "across the frontage of the Property as shown on the CDP" and states that "the Owner shall construct or bond these improvements prior to or in conjunction with the approval of the first record plat or first site plan for development on the Property, whichever occurs first". OTS therefore recommends that the full extent of the proposed improvements as outlined in the "proffer allocation agreement" be included in the Applicant's draft proffer statement so that the County can be assured that the full extent of these improvements will be completed and open to traffic by the date indicated. OTS staff defers to the Office of the County Attorney for further review and comment on this matter.

Applicant Response (April 9, 2010): *The Applicant cannot commit to incorporating the "Proffer Allocation Agreement" into the proposed proffers. The agreement, denotes internal funding arrangements and deadlines between the two parties that are immaterial to the construction triggers contained in the proposed proffers. For the purposes of this application and the improvements related thereto, the proposed draft proffer statement will govern the Applicant's timing.*

Current Issue Status: OTS recommends that the applicant revise draft proffer V.A.1 to state that in no event shall any record plat or site plan application on the subject property be approved until all of the two-lane improvements along Ashburn Village Boulevard proffered under ZMAP 2006-0003 have been bonded for construction. In addition, OTS continues to recommend that the draft proffers reference the private "Proffer Allocation Agreement" as an assurance that all proffers associated with Ashburn Village Boulevard under ZMAP 2006-0003 are fulfilled. Issue not resolved.

- b. **Initial Staff Comment (First Referral):** Applicant needs to provide the proffered cash contribution for Waxpool Road Expansion. According to the latest available quote (January 15, 2009) for the Waxpool Road Expansion project, managed by VDOT and Loudoun County, the estimated fair share cash contribution for the applicant is \$386,400. The estimated completion for the project is in the Fall of 2010.

Applicant's Response (January 7, 2010): *The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. Specifically, Proffers V.B.1 and V.B. 2 of the proffers associated with the Morley Corner application provides for the dedication of right-of-way and the construction of two lanes of a four lane divided road section of Waxpool Road across the frontage of the Property, in addition to a right turn lane entrance into the Property (see draft Proffer V.B). In the event that some of the proffered transportation improvements under the Morley Corner proffers are constructed by others, Proffer V.G of the Morley Corner Proffer Statement provides for a monetary contribution to Loudoun County in an amount equivalent to the verified cost of said paid improvements. This proffer is being continued in the current application under proposed Proffer V.F Any monetary amount verified under Proffer V.B.1 and V.B.2 will be provided to Loudoun County prior to, or in conjunction with first record plat/site plan approval, whichever occurs first.*

Please note that the draft proffers specify that any proffered improvements constructed by the developers of the R-16 zoned portion of the original Morley Corner rezoning is not considered to be construction "by others" requiring an equivalent cash contribution. The Morley Corner transportation proffers are being carried forward in this application in conjunction with the developer of the R-16 zoned portion of the original Morley Corner rezoning, which is not a part of this

application. The Applicant sold the R-16 zoned portion of the property to a developer and executed a "Proffer Allocation Agreement" which assigns responsibility for implementation of the previously-approved Morley Corner proffers, including provisions that the developer perform the transportation proffers for the entire Morley Corner property. That proffer allocation agreement has been previously submitted to the County.

Issue Status (Second Referral March 19, 2010): The draft proffer statement (Proffer V.B.2.) proposes to retain this proffer as stated in the Morley Corner proffers (ZMAP 2006-0003), to be constructed or bonded "prior to or in conjunction with the approval of the first record plat or first site plan for development of the Property, whichever occurs first." Given the ongoing County/VDOT Waxpool Road project, this proffer is likely to be fulfilled by a cash payment in lieu of actual construction by the Applicant (as outlined in draft Proffer V.F.). Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved.

- c. **Initial Staff Comment (First Referral):** Applicant is responsible for 25% of the cost to install the traffic signal at the intersection of Ashburn Village Boulevard (Route 772) and Waxpool Road (Route 625). The estimated fair share for actual engineering cost and installation cost is \$57,875, which is 25% of the total cost of \$231,500.

Applicant's Response (January 7, 2010): Funding in the amount of \$50,000 towards a traffic signal at the intersection of Ashburn Village Boulevard and Waxpool road is provided by Proffer V.D of the proffers associated with the Morley Corner application. Additionally, Proffer XI provides for an additional contribution based upon the CPI Escalator and, accordingly, the Applicant's contribution will be \$50,000 plus the CPI escalation to be paid in conjunction with the approval of the first record plat or first site plan for development of the Property, whichever occurs first.

Issue Status (Second Referral March 19, 2010): OTS continues to recommend \$57,875 in keeping with the previous engineering estimate. Issue not resolved.

Applicant Response (April 9, 2010): While the Applicant believes the proposal's generated traffic volume in relation to projected total future volume is 14 percent, the Applicant has agreed to maintain the existing transportation proffers from the Morley Corner rezoning even though peak hour traffic is *reduced*. Per Staff request, the Applicant will agree to funding in the amount of \$57,875 towards a traffic signal at the intersection of Ashburn Village Boulevard and Waxpool Road (see proposed Proffer V.C).

Current Issue Status: Issue resolved.

- d. **Initial Staff Comment (First Referral):** Applicant was proffered to provide a full warrant analysis and 50% cash contribution for the installation of the traffic signal at the intersection of Ashburn Village Boulevard (Route 772) and Red Rum Drive.

Applicant's Response (January 7, 2010): *Comment acknowledged. Proffer V.E of the proffers associated with the Morley Corner application provides for the funding of a traffic signal warrant analysis and, if warranted, a contribution of 50 percent of the installation of such signal at Ashburn Village Boulevard and Red Rum Drive. This proffer is being carried forward with this application (see draft Proffer V.D).*

Issue Status (Second Referral March 19, 2010): Issue resolved.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: Issue resolved.

3. **Initial Staff Comment (First Referral):** The owner of parcel 087177312 (parcel to the north) will need to comply with the following proffers approved with ZMAP 2006-0003: (1) a full traffic signal warrant study for the intersection of Ashburn Village Boulevard (Route 772) and the northern most entrance; and (2) a \$100,000 cash contribution including ped-activation; and a transit cash contribution.

Applicant's Response (January 7, 2010): *The transportation proffers from the Morley Corner rezoning application are being maintained with the proposed rezoning, even though peak hour traffic is reduced. The Applicant, along with the owner of MCPI #087-17-7312, has executed a "Proffer Allocation Agreement" which assigns responsibility for implementation of the previously-approved Morley Corner proffers.*

Issue Status (Second Referral March 19, 2010): OTS acknowledges that the future traffic signal at this location is related to the development of the residential portion of the Morley Corner site which is not part of the current application. The proffer for this signal from ZMAP 2006-0003 remains in place and will be triggered in conjunction with future residential development. Issue resolved with respect to this application.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: Issue resolved.

4. **Initial Staff Comment (First Referral):** According to the 2001 Revised CTP, a minimum 60-foot right-of-way is required from the centerline to the property line along Waxpool Road (Route 625). A review of County records indicates the segment of Waxpool Road (Route 625) in front of the site is within a 90- 95-foot right-of-way. The applicant needs to dedicate the 60-foot right-of-way from the centerline to the property line. Please remove the label "if required" from the plat.

Applicant's Response (January 7, 2010): Pages A1-18 and A1-19 of the Countywide Transportation Plan call for the ultimate segment of Waxpool road between the "Dulles North Area/Route 640 (Farmwell Road) & Old Route 607 (Smith Switch Road) intersection west through Village of Ryan to Route 659" to be a four-lane controlled access median-divided urban collector with a 90-foot right-of-way. The Applicant inaccurately stated this on page 30 of the December 15, 2009 referral response letter. The Applicant will agree to provide the necessary right-of-way required per the approved construction plans for Waxpool Road.

Issue Status (Second Referral March 19, 2010): The label "IF REQUIRED" is still included for the Waxpool Road dedication (Route 625) on sheet 4 of the plat. As noted in the attached email (see Attachment 1), provided the label "IF REQUIRED" is removed from the plat, this issue is resolved. Please ensure that the ultimate right-of-way to be dedicated is consistent with CPAP 2006-0051, as revised, and associated dedication plats.

Applicant Response (April 9, 2010): The plan set has been revised to show a right-of-way dedication to be provided per CPAP 2006-0051 to avoid any potential conflicts.

Current Issue Status: Issue resolved.

5. **Initial Staff Comment (First Referral):** If additional right-of-way is necessary for the future right turn lane along Waxpool Road (Route 625), the applicant needs to dedicate it as well.

Applicant's Response (January 7, 2010): Comment acknowledged.

Issue Status (Second Referral March 19, 2010): The applicant has provided for dedication of this right-of-way under draft proffer V. B. Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved.

6. **Initial Staff Comment (First Referral):** Please add the "private street" cross section to the plat including the parking area.

Applicant's Response (January 7, 2010): The label has been revised to show a proposed "Major Site Accessway" per the FSM section 4.400 B.6.b. A typical section has been added to Sheet 4 of the plan set.

Issue Status (Second Referral March 19, 2010): The Applicant has provided the revised label and has added the cross-section to the plat. Issue resolved.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: Issue resolved.

7. **Initial Staff Comment (First Referral):** Clarify if the main access street will be a private road. If so, please remove "ROW varies" from the plat. Private roads require easement dedications. Public roads require right-of-way dedications.

Applicant's Response (January 7, 2010): *The "Private Access Road" will be a private street. The plat set has been revised as recommended. Reference to right-of-way on this private street has been removed from the plan set.*

Issue Status (Second Referral March 19, 2010): The Applicant has removed the reference to right-of-way and shows the corrected "Private Access Road" reference on the plat. Issue resolved.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: Issue resolved.

8. **Initial Staff Comment (First Referral):** It appears there has been a boundary adjustment (BLAD) application submitted to the County related to this application. Please include the application number to the cover sheet.

Applicant's Response (January 7, 2010): *BLAD-2009-0036 has been approved and recorded. The plat set has been updated to reflect the new boundary line.*

Issue Status (Second Referral March 19, 2010): The Applicant has provided the recommended note for BLAD-2009-0036 and has updated the plat accordingly. Issue resolved.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: Issue resolved.

9. **Initial Staff Comment (First Referral):** The plat shows a portion of the subject property on the east side of Ashburn Village Boulevard. Has the applicant considered transferring ownership for this area to KMRP/Ashburn LLC (owner) to simplify future maintenance issues?

Applicant's Response (January 7, 2010): *The Applicant is responsible for maintenance of the 0.3-acre residual parcel of land at the northeast corner of the Ashburn Village Boulevard/Waxpool Road intersection unless the County or VDOT desires all or a portion for right-of-way purposes. The Applicant is willing to dedicate this land to the County or VDOT.*

Issue Status (Second Referral March 19, 2010): OTS sees no reason that the County or VDOT would want this land. OTS recommends that the Applicant transfer this land to the property owner on the east side of Ashburn Village Boulevard. OTS has no further comments on this issue.

Applicant Response (April 9, 2010): *Acknowledged.*

Current Issue Status: Issue resolved.

10. **Initial Staff Comment (First Referral):** Regarding Bicycle and Pedestrian Facilities:

- a. **Initial Staff Comment (First Referral):** According to 2003 Bike & Ped Plan, Waxpool Road is proposed as a baseline connecting roadway for bicycle and pedestrian facilities. Staff understands the trail in front of this site is not being built with the County's Waxpool Road Expansion project within the right-of-way.

Please show the 10-foot trail within a 14-foot public access easement along Waxpool Road (Route 625) as recommended by the 2003 Bike & Ped Plan (Design Toolkit). The applicant should build the trail to be consistent with the approved ZMAP 2006-0003 and ensure it is connected to the trail VDOT will be building up to the site's western property line.

Applicant's Response (January 7, 2010): *The Applicant is continuing Proffer IV.B of the Morley Corner Proffer Statement, which provides for a 10-foot wide asphalt trail located within a 14-foot wide public access easement along the Waxpool Road and Ashburn Village Boulevard frontages for the Subject Property (see draft Proffer IV.B.) Please note that the proposed multi-use trail is located outside of the right-of-way.*

Issue Status (Second Referral March 19, 2010): The Applicant has provided for the recommended multi-use trails in the draft proffers and on Sheet 4 of the plat. Issue resolved.

Applicant Response (April 9, 2010): *N.A. Issue resolved.*

Current Issue Status: Issue resolved.

- b. **Initial Staff Comment (First Referral):** Please modify plan views and typical sections to incorporate the multi-use asphalt trails along Waxpool Road (Route 625) and Ashburn Village Boulevard (Route 772). The applicant may obtain the necessary information from CPAP 1998-0101 and VDOT project # 0625-053-P10.

Applicant's Response (January 7, 2010): *Multi-use trails have been added to the appropriate typical street sections as requested. Please note that the proposed multi-use trail is located outside of the right-of-way.*

Issue Status (Second Referral March 19, 2010): The Applicant has added the multi-use trails to the cross-sections on Sheet 4 of the plat. Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved.

- c. **Initial Staff Comment (First Referral):** Please show all sidewalks, curb ramps, crosswalks and trails on the special exception plat (sheet 6 of 6) and label them accordingly.

Applicant's Response (January 7, 2010): A note has been added to the special exception plat (Sheet 6) stating that curb ramps will be shown on the site plan application for the property in accordance with FSM & ADA requirements. Proposed crosswalks have also been added to the sheet although the applicant reserves the right to provide additional sidewalks and trails as needed.

Issue Status (Second Referral March 19, 2010): The Applicant has added the recommended facilities on Sheet 6 of the plat. Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved.

- d. **Initial Staff Comment (First Referral):** Please show all curb ramps on all corners where sidewalks/trails are proposed.

Applicant's Response (January 7, 2010): Please see response to Comment 10.c above.

Issue Status (Second Referral March 19, 2010): The Applicant has shown the recommended facilities on Sheet 6 of the plat. Issue resolved.

Applicant Response (April 9, 2010): N.A. Issue resolved.

Current Issue Status: Issue resolved.

Recommendation

OTS would not object to the approval of this application provided the Applicant revises the proffers to reflect the bonding of Ashburn Village Boulevard as recommended in Comment #2a. It is noted that the Office of the County Attorney will provide final review of the proffers as to legal form. OTS staff is available to meet to discuss this issue if necessary.



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

GREGORY A. WHIRLEY
ACTING COMMISSIONER

RECEIVED

MAY 17 2010

LOUDOUN COUNTY
DEPARTMENT OF PLANNING

May 12, 2010

Ms. Ginny Rowen
County of Loudoun
Department of Planning MSC# 62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Morley Corner – Temple Baptist Church and School
(3rd Submission)
Loudoun County Application Numbers ZMAP 2009-0006 and SPEX 2009-0026

Dear Ms. Rowen:

We have reviewed the above noted plan as requested in your April 13, 2010 transmittal. We have no objection to the approval of this application.

If you have any questions, please call me at (703) 383-2061.

Sincerely,

John Bassett, P.E.
Transportation Engineer

Cc: Imad Salous, P. E



**COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM**

To: Ginny Rowen, Project Manager, Planning Department **(MSC #62)**
From: Brian G. Fuller, Park Planner, Facilities Planning and Development
(MSC #78)
Through: Mark A. Novak, Chief Park Planner, Facilities Planning and Development
CC: Diane Ryburn, Director
Steve Torpy, Assistant Director
Su Webb, PROS Board, Chairman, Catoclin District
Jean Ault, PROS Board, Vice-Chairman, Dulles District
Robert C. Wright, PROS Board, Open Space Member
James E. O'Connor, PROS Board, Open Space Member
Date: January 4, 2010
Subject: **Morley Corner – Temple Baptist Church and School**
ZMAP 2009-0006 & SPEX 2009-0026 (2nd Submission)
Election District: Dulles **Sub Planning Area:** Ashburn
MCPI #: 088-37-1171, 088-47-1916, & 088-47-3765

BACKGROUND and ANALYSIS:

The Property is located in the northwest quadrant of the intersection of Waxpool Road and Ashburn Village Parkway. The project area is approximately 20.93 acres located in the Ashburn subarea of the Suburban Policy Area in the Dulles Election District. The site is governed under the policies of the Revised General Plan and the Countywide Transportation Plan, and the site is designated for Keynote Employment uses. The Property is currently zoned PD-CC(CC) under the Revised 1993 Zoning Ordinance.

The Applicant proposes to rezone approximately 19.19 acres of the Property to PD-OP to permit the construction of a church, private school accessory to the church (subsequent to the accompanying SPEX application), playground, child care center associated with the church, a 10.4-acre active and passive private park with lighted athletic fields and tennis/basketball courts with an accessory pavilion/concession stand/bathhouse, and a site for a small auxiliary ministries/maintenance building.

The Applicant also proposed to rezone 1.74 acres of the Property to PD-CC(NC) to permit a 22,500 sq. ft. neighborhood retail component to serve the church and their uses, nearby residences, and the employment centers across the street.

COMMENTS:

With respect to Parks, Recreation and Community Services we offer the following comments and recommendations:

1. No proffers were submitted with this application. Please provide proffers for review.

Applicant Response: *A copy of the draft proffers is included with this letter for Staff's review.*

Issue Status: Resolved.

2. Plat Note 11 on Sheet indicated that the Park serving this site is "Broadlands Park." Staff does not recognize Broadlands Park as a public park. The nearest parks to this site are Chick Ford and Ryan Bickel Fields (across Ashburn Village Boulevard from the site), Ashburn Park, and Greg Crittenden Memorial Park. Please revise the Note accordingly.

Applicant Response: *Note 11 of Sheet 1 has been updated to correspond with Staff's recommendation.*

Issue Status: Resolved.

3. Staff notes that Sheet 6 of Concept Plan depicts a soccer field, a small baseball/softball field, and a large baseball field. PRCS requests that the Applicant consider opportunities to partner with PRCS to permit youth soccer, baseball and/or softball practice on the fields. There are some agreements in place for the use of recreational facilities owned by churches and schools to allow use by youth sports leagues.

Applicant Response: *The Applicant is willing to consider an agreement for use of the proposed recreational fields in the future, but cannot make any commitments at this time, since they anticipate significant use of the fields for church related recreational activities and school related physical education classes. These church-sponsored recreational activities will likely reduce the demand for County sponsored activities and facilities due to County residents participating in the church-sponsored recreational activities.*

Issue Status: Staff appreciates the Applicant's consideration and contribution toward active recreational opportunities for County residents.

CONCLUSION:

PRCS is satisfied with the Applicant's responses and would not be in objection to approval of the application as presented. Staff also supports the Applicant's proffers toward the construction of the Ashburn Village Boulevard and Waxpool Road Trails.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at brian.fuller@loudoun.gov. You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at mark.novak@loudoun.gov. I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.

11 September 2009

MEMORANDUM TO: Ginny Rowan, Project Manager
Department of Building & Development, **MSC 62**

FROM: Matthew D. Tolley
Sr. Env. Health Specialist
Division of Environmental Health, **MSC 68**

SUBJECT: **ZMAP 2009-0006 & SPEX 2009-0026; Morley
Corner-Temple Baptist Church & School
LCTM: 79 ((62)) 1, 2 & 3 (PINS 088-37-1171, 088-
47-1916 & 088-47-3765)**

The Health Department recommends approval of this application. The applicant will need to apply for the appropriate permits from the Health Department for the kitchen in the school at the time of site plan approval. The plat reviewed was prepared by Bowman Consulting and was revised 1 September 2009.

Attachments Yes ___ No X

If further information or clarification on the above project is required, please contact Matt Tolley at 771-5248.

MDT/JEL/mt
c:subdvgd.ref

April 27, 2010

Ms. Ginny Rowan
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, VA 20177-7000

**Re: ZMAP-2009-0006 & SPEX-2009-0026
Morley Corner Temple Baptist Church and School**

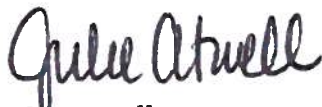
Dear Ms. Rowan:

Loudoun Water has reviewed the referenced referral application. Public water and sanitary sewer service could be provided to this site through extension of existing facilities.

Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to Loudoun Water at no cost to the County or to Loudoun Water. Public water and sanitary sewer service would be contingent upon the developer's compliance with Loudoun Water's Statement of Policy; Rates, Rules and Regulations; and Design Standards.

Should you have any questions, please contact me.

Sincerely,



Julie Atwell
Engineering Administrative Specialist





LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Ginny Rowen, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: November 9, 2009
Subject: Morley Corner – Temple Baptist Church and School
ZMAP 2009-0006 & SPEX 2009-0026

Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	LCFR Moorefield Station 23 Travel Time
088-37-1171	Morley Corner	1 minute (temp) 1 minutes, 56 seconds (perm)

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	LCFR Moorefield Station 23 Response Times
Morley Corner	3 minutes (temp) 3 minutes, 56 seconds (perm)

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

Teamwork * Integrity * Professionalism * Service

Attachment 1 I

A-36

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated July 28, 2009 for the Application of
(enter date of affidavit)

Temple Baptist Church of Herndon, Inc.

(enter name(s) of applicant(s))

in Application Number(s): ZMAP 2009-0006 & SPEX 2009-0026

(enter application number(s))

I, Dr. David L. Pittman, Senior Pastor, do hereby state that I am an

(check one) applicant (must be listed in Paragraph C of the above-described affidavit)

✓ applicant's authorized agent (must be listed in Paragraph C of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one)

 I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____ (today's date); or

✓ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

✓ Paragraph C-1

✓ Paragraph C-2

 Paragraph C-3

 Paragraph C-4(a)

 Paragraph C-4(b)

 Paragraph C-4(c)

WITNESS the following signature:

(check one)

 Applicant

✓ Applicant's Authorized Agent

Dr. David L. Pittman, Senior Pastor

(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 19 day of May, 2010,
in the State/Commonwealth of Virginia, County/City of Fairfax.

Carolyn S Dalton
Notary Public

My Commission expires:

12-31-2013

Carolyn S Dalton
Notary Public
Commonwealth of Virginia
299832
Expires Dec 31, 2013

I, Dr. David L. Pittman, Senior Pastor, do hereby state that I am an
Applicant

☒ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZMAP 2009-0006 & SPEX 2009-0026
and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME</i> <i>(First, M.I., Last)</i>	<i>ADDRESS</i> <i>(Street, City, State, Zip</i> <i>Code)</i>	<i>RELATIONSHIP</i> <i>(Listed in bold above)</i>
088-47-3765 088-47-1916 088-37-1171	Temple Baptist Church of Herndon, Inc.	1545 Dranesville Road Herndon, VA 20170	Owner/Applicant
	Bowman Consulting Group, Ltd.	3863 Centerview Drive Suite 300 Chantilly, VA 20151	Engineering Consultant/Agent
	Gorove/Slade Associates, Inc.		Transportation Consultant/Agent
	Wetland Studies and Solutions, Inc.	5300 Wellington Branch Drive, Suite 100 Gainesville, VA 20155	Environmental Consultant/Agent
	Thunderbird Archeology, a division of Wetland Studies and Solutions, Inc.	5300 Wellington Branch Drive, Suite 100 Gainesville, VA 20155	Archeology Consultant/Agent
	Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	1 East Market Street, 3 rd Fl Leesburg, VA 20176	Attorneys/Planners/ Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☒ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

LISTING OF INDIVIDUAL AGENTS

1. **Temple Baptist Church of Herndon, Inc.**
Dr. David L. Pittman
Larry D. Wright
2. **Bowman Consulting Group, Ltd.**
Benjamin Rose
3. **Gorove/Slade**
Tushar A. Awar, P.E.
4. **Wetland Studies and Solutions, Inc.**
Mark Headly
Lynn S. Taylor
Jean M. Tufts
5. **Thunderbird Archeology, a Division of Wetland Studies and Solutions, Inc.**
Kimberly Snyder, RPA
6. **Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.**
J. Randall Minchew
Andrew Painter
Kimberlee Welsh Cummings
Christine Gleckner
William J. Keefe
Michael Romeo

If multiple copies of this page are provided please indicate Page 2 of 2 pages.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Temple Baptist Church of Herndon, Inc., 1545 Dranesville Road, Herndon, VA 20170

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
David L. Pittman, Pastor/Director/President; Larry D. Wright, Visitation Pastor; R. Steven Henry, Youth Pastor; Samuel W. Dalton, Jr., School Administrator; Theodore L. Johnson, Deacon/Director; Drew K. Gardner, Deacon/Director/Secretary; Robert W. Fredericks, Deacon/ Director;	Matthew E. Holston, Deacon/ Director; Stephen E. Pearson, Deacon/ Director; Alan C. Sutphen, Deacon/ Director; David L. Halstead, Deacon/ Director; Bradley J. VanRoekel, Deacon/Director

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Bowman Consulting Group, Ltd., 3863 Centerview Drive-Suite 300; Chantilly, VA 20151

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Gary P. Bowman	Patrick D. Quante
Walt C. Sampsell III	Michael G. Bruen
Mark S. Stires	Donald J. Zdancewicz
Walt C. Sampsell, Jr.	Clayton Massey
Jamie E. (Packie) Crown	David T. Frankenfield
Roy E. Waugh	Doug H. Wagner
Jacob Thomas Tanner	Robert A. Hickey
Justin G. Mahlmann	Charles E. Walls
John R. Lutostanski	Martin E. Crahan
Jeffrey A. Blair	Justin R. Troidl
Mark W. Baker	Justin C. Francis
Jamie E. Crown	Michael P. Pointer
Patricia A. Hollar	M. Scott Delgado
Matthew J. Tauscher	Charles E. Powell

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Gorove/Slade Associates, Inc.

1140 Connecticut Avenue, NW, Suite 700, Washington, D.C. 20036

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Christopher M. Tacinelli	
Chad A. Baird	
Daniel B. VanPelt	
Erwin N. Andres	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, Suite 100, Gainesville, VA 20155

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Michael S. Rolband, Sole Shareholder	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Thunderbird Archeology, a division of Wetland Studies and Solutions, Inc.
5300 Wellington Branch Drive, Suite 100, Gainesville, VA 20155

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Michael S. Rolband, Sole Shareholder	

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
1 E. Market Street, 3rd Floor, Leesburg, VA 20176

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
David J. Bomgardner	E. Andrew Burcher
Thomas J. Colucci	Peter M. Dolan, Jr.
Jay du Von	Jerry K. Emrich
William A. Fogarty	John H. Foote
H. Mark Goetzman	Bryan H. Guidash
Michael D. Lubeley	J. Randall Minchew
M. Catharine Puskar	John E. Rinaldi
Lynne J. Strobel	Garth M. Wainman
Nan E. Walsh	Martin D. Walsh

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ There is additional Corporation Information. See Attachment to Paragraph C-2.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)

Check if applicable:

___ Additional Partnership information attached. See Attachment to Paragraph C-3.

4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(a).*

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

None

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(b).*

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).

None

Check if applicable:

☐ Additional information attached. *See Attachment to Paragraph C-4(c).*

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

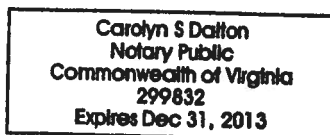
Dr David L Pittman
check one: ☐ Applicant or ☒ Applicant's Authorized Agent

DR DAVID L PITTMAN
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 19 day of May, 2010, in
the State/Commonwealth of Virginia, in the County/City of Fairfax.

Carolyn S Dalton
Notary Public

My Commission Expires: 12-31-2013



STATEMENT OF JUSTIFICATION

Zoning Map Amendment Petition & Special Exception Application

Temple Baptist Church

Loudoun County Tax Parcels ##79-62-1 (MCPI #088-37-1171), 79-62-2 (MCPI#088-47-1916), Portion of 79-62-3 (MCPI #088-47-3765); ±20.93 acres

July 30, 2009

I. Description of Application

Temple Baptist Church, of Herndon, Virginia (hereinafter, the "Church" or "Applicant") is the owner of four separate parcels of record in Loudoun County, consisting of approximately 31.9 acres located at the northwest corner of Waxpool Road (Route 625) and Ashburn Village Boulevard (Route 2020), including a 0.3 acre strip located on the east side of Ashburn Village Boulevard, and more particularly described as Loudoun County Tax Parcels ##79-62-1, 79-62-2, 79-62-3 and 79-62-4 (MCPI ##088-37-1171, 088-47-1916, 088-47-3765, and 087-17-7312, respectively). These four parcels are zoned Planned Development-Commercial Center-Community Center ("PD-CC-CC") and Townhouse-Multifamily Residential ("R-16") under the Revised 1993 Loudoun County Zoning Ordinance (hereinafter, "Zoning Ordinance") in accordance with ZMAP 2006-0003 and SPEX 2007-0004 (Morley Corner).

The Applicant recently purchased all four properties and is presently processing a Boundary Line Adjustment ("BLA") to separate the 10.97-acre R-16 portion of the four parcels from the existing 20.93-acre PD-CC-CC portion and create a new 1.74-acre parcel. The Applicant is seeking a Zoning Map Amendment Petition ("ZMAP") application for the approximately 20.93-acre PD-CC-CC portion of the four parcels (hereinafter, "Subject Property") in order to:

- (1) Rezone approximately 19.19 acres of the Subject Property to the Planned Development-Office Park ("PD-OP") zoning district to construct a church, private school accessory to the church (subject to the accompanying and concurrent special exception application), playground, and child care center associated with the church, a private park with lighted athletic fields and tennis/basketball courts for active recreation with an accessory pavilion/concession/bathhouse, and a site for a small auxiliary ministries/maintenance building; and
- (2) Rezone approximately 1.74 acres of the Subject Property to the Planned Development-Commercial Center-Neighborhood Center ("PD-CC-NC") zoning district in order to permit a 22,500 square foot neighborhood retail component to serve the church and private school, the residential component of Morley Corner,

and the employment uses across Ashburn Village Boulevard from the Subject Property.

The 10.97-acre, R-16 portion of the four parcels is not included in this application. While the proposed church, athletic fields, and child care will be permitted uses within the PD-OP district under Sections 4-303(X), (P), and (Y) of the Zoning Ordinance, respectively, the proposed private school use necessitates a special exception application under Section 4-304(S) of the Zoning Ordinance. Accordingly, the Church is also seeking a special exception approval concurrent with the rezoning application to permit a private school accessory to the church.

The Subject Property is located in the Ashburn Community of the Suburban Policy Area and is governed under the policies of the Revised General Plan ("RGP") and the Countywide Transportation Plan ("CTP"). The RGP designates the Subject Property for Keynote Employment uses.

In addition to the single family attached residential component of the Morley Corner rezoning located on the north side of the Subject Property, the property to the west of the Subject Property is currently developed with a mix of townhouse and single family detached units (Farmwell Hunt), while property to the south across Waxpool Road is the dedicated open space area that is part of the Regency single family detached residential community. A Masonic lodge is also located to the south of the Subject Property across Waxpool Road, while the "Ashburn Center" property to the east—across Ashburn Village Boulevard—is developing with office and commercial uses. Retail uses located in the vicinity of the Subject Property include the Ashburn Town Square shopping center and the Pipeline Plaza, commercial areas.

II. Applicant Background

Located just east of the Loudoun/Fairfax line along Dranesville Road in the Herndon area of Fairfax County, the Temple Baptist Church has been active for over 30 years providing western Fairfax and eastern Loudoun families with traditional Sunday School, morning and evening worship services on Sundays, visitation in hospitals and homes, youth functions, Bible study, prayer breakfasts, and related religious events. Over the past two decades, the church has also engaged in spiritual, educational, and medical missionary work abroad in Africa, Latin America, and the Caribbean. The Church operates an outreach ministry and provides Spanish worship services, educational programs, and other associated activities for Northern Virginia's expanding Hispanic population. The Church also operates a private Kindergarten through grade 12 school that is known for its academic excellence. To accommodate the Church's expanding congregation and increasing proportion of members who live in Loudoun County, as well as considering the Church's desire to provide additional community-related functions and ministries, the Church acquired the Subject Property in 2009 for purposes of relocation and expansion in Loudoun County.

The educational program is an integral aspect of the Church's ministry, and the Church presently operates the Temple Baptist School (hereinafter, the "School"), a private, non-denominational Christian school located at the existing Herndon location of Temple Baptist Church. The School offers a quality academic education in a spiritual atmosphere for approximately 230 students and offers education for grades Kindergarten through 12th grade. Enrollment is open to church families and, as room permits, other families who ascribe to the school's statement of faith. Students are taught by trained educators, most of whom hold at least one master's degree, and at present, the School's class sizes are well below national averages for public and private education. The student-teacher ratio for elementary school classes ranges from 22-to-1 to 12-to-1, while high school ratios range from 18-to-1 to 5-to-1 for some advanced courses.

The School's existing facility includes classrooms, indoor and outdoor recreation spaces, and an auditorium. The Temple Baptist School is accredited by the Commonwealth of Virginia through the American Association of Christian Schools and the North American Christian School Accrediting Association, both of which are approved by the Virginia Council of Private Education. Increased enrollment pressures and the need for additional space have forced the School to find a long-term solution in connection with the Church's expansion goals. Accordingly, the Church is proposing that a private school, accessory to the church, be permitted on the Subject Property within the proposed church building with a concurrent special exception application.

III. Project Justification: Church and Related School Uses

The proposed church, private school with child care, neighborhood retail, and private recreation uses will allow nearby residents to live close to places of worship, learning, and retail services, and would provide a greater land use balance within the community. The area in the vicinity of the Subject Property has seen marked residential and commercial growth in recent years, and the proposed uses will provide needed civic, commercial, and open space uses for the Ashburn community.

The Applicant plans to construct the proposed uses in four phases. Phase I will include the construction of the lighted recreational playing fields, tennis and basketball courts, and the Auxiliary Ministries/Maintenance Building; Phase II will include construction of a 2,400 s.f. outdoor chapel/concession stand and the majority of the main church/school building; Phase III will include the addition of the Kindergarten space and playground as well as a 4,903 s.f. gymnasium expansion to the main church/school building; and Phase IV will include the addition of a 5,217 s.f. Fellowship Hall and main auditorium balcony to the main church/school building.

A. Proposed Church

Pursuant to Section 4-303(X) of the Zoning Ordinance, the Church proposes to develop a 140,000 square foot two-story church/school building with a 1,450 seat, 13,303 s.f. main auditorium, playground, and numerous classrooms. When completed, the proposed church structure will have a combined Floor-Area Ratio ("FAR") of 0.17 (well below the by-right permitted FAR of 0.4. As is currently the case, the Church will offer a variety of activities for the public and congregants on Sundays, Wednesdays, and Thursdays.

The RGP states that civic uses in business areas should "primarily serve the immediate community" and "due to their small size, design, and limited ancillary activities (traffic, parking, noise, or similar activity) are compatible with the surrounding...business uses" (Revised General Plan, Glossary, p. G-2). The proposed church will allow nearby residents to live close to their place of worship with civic uses included in the Keynote Employment area land use mix. The Subject Property is located at the southwestern edge of the Keynote Employment area, which makes a proposed use mix of civic, retail, and open space uses appropriate as a transition between the primary Keynote Employment area office uses and the residential uses located to the west of the Keynote Employment area. The Subject Property is not located along one of the county's major commercial corridors, as is the case with the other Keynote Employment areas, and the area beyond the Subject Property is developed primarily as residential communities.

B. Proposed Private School Accessory to the Church Use

Pursuant to Section 4-304(S) and 4-303(Y) of the Zoning Ordinance, the Church proposes a private school use accessory to a church with child care uses to serve grades Kindergarten through 12th grade within the proposed church facility. Over the past 15 years, the County has doubled its number of public schools and more than tripled its enrollment, to approximately 56,312 students during the 2008-2009 academic year. Despite the recent housing market decline, enrollment has consistently exceeded administrative projections, and school officials are predicting continued enrollment expansion in the coming years. Nearly one-third of Virginia's school enrollment increase will occur in Loudoun County, with much of this growth occurring in public schools in the Ashburn and Brambleton areas. Provision of a private school on the Subject Property will help alleviate existing and future overcrowding at County public schools.

The proposed private school will serve 500 students nearly doubling the number served by the existing Temple Baptist School in Herndon (discussed above) and will use the classrooms and other facilities contained within the church building and the Auxiliary Ministries Building. The Church anticipates that approximately 150 to 200 students will also receive before- and after-school child care, in conjunction with the Temple Baptist School's regular education activities. Co-location of school and worship uses on a single, large site will increase convenience for residents and reduce the number and length of vehicle trips area residents must currently make to church and parochial schools. The

proposed hours of operation will be Monday through Friday, 7:00 a.m. until 6:00 p.m. The proposed outdoor recreation fields will be lighted and used by the Church and school for related outdoor sporting events, and it is anticipated that the Church and school's teams will play against other private schools and non-church affiliated teams. Included in the proposed athletic fields is a 2,400 s.f. pavilion, which will provide bathrooms and a small concession stand.

The Keynote Employment land use mix envisions the inclusion of civic and open space uses within the Keynote Employment, with no maximum amount of land area devoted to these uses specified. Since the proposed educational use is compatible with the permitted church use, and since the Keynote Employment's preferred implementing zoning district, PD-OP, includes both the church use and private school accessory to the church use in the permitted and special exception use lists, the proposed private school use accessory to the church is consistent with RGP policies. This is especially true when viewing the proposed use and Subject Property in the broader context of the Keynote Employment corridor rather than on an individual site basis.

C. Proposed PD-CC-NC Zoning/Neighborhood Retail Use

The Applicant is proposing to rezone approximately 1.75 acres of the Subject Property from the PD-CC-CC zoning district to the PD-CC-NC zoning district in order to develop an approximately 22,500 square foot retail/general business use pad site. The internal roadway configuration creates this land bay, which is not usable by the church for its purposes and will provide a small-scale retail use convenient for the church school users, the adjacent residents, and the employment users across Ashburn Village Boulevard. Concurrent with this request, the Applicant is seeking a zoning modification ("ZMOD") to permit location of buildings, parking, outdoor storage, areas for collection of refuse or loading areas no closer than 20 feet along the northern property boundary of the proposed PD-CC-NC portion of the Subject Property to the adjacent existing R-16 zoning district.

While no tenant/user has yet been identified, it is hoped that the proposed small-scale commercial center to serve the convenience needs of the surrounding residential neighborhoods and the planned R-16 future residential zone to the north. The Revised General Plan's Keynote land use mix provides for a maximum of 10 percent of land within a Keynote Employment area to be dedicated to Commercial Retail and Service uses, and the proposed PD-CC-NC zoning satisfies this criteria.

D. Proposed Auxiliary Ministries/Maintenance Building Site

The Applicant is proposing a 20,000 square foot building site in the northwestern portion of the proposed PD-OP zone for a various church ministries, youth center as well as athletic field maintenance/storage. The building will include a 1,520 s.f. main auditorium with seating for 150 congregants, a youth fellowship hall, Sunday School classrooms, and a church vehicle maintenance facility.

IV. Environmental & Open Space Considerations

The Subject Property has previously been cleared of significant vegetation; however, some environmental features remain, including floodplain, wetlands, moderately steep slopes and forested areas. Most of the forest resources—located within the areas of the wetlands, floodplains, and moderately steep slopes—will remain along the western boundary of the Subject Property. An unnamed tributary to Beaverdam Run lies along the western and northern boundary of the site, which has minor floodplain, wooded area, moderately steep slopes and predicted wetlands associated with it, and will be preserved as a natural open space area.

To avoid impacts on these water resources, environmentally sensitive features will be protected as they were in the Morley Corner rezoning. The Applicant is proposing a 25-foot minimum riparian buffer along the western portion of the Subject Property, as well as 15-foot Type 3 buffer plantings. The Applicant has also designed the Subject Property's proposed uses to remain outside the arrangement of wetlands, tree save, forested area and floodplain location in order to enhance water flow through the site and retain the integrity of the wetlands.

The Applicant is proposing approximately 10.4 acres of active and passive recreation space (or 49 percent of the Subject Property), which include active recreation playing fields, intervening landscaped open space, and a tot lot. This usable open space is proposed in accordance with Revised General Plan policies. The Phase 1 archaeological survey report submitted with the Morley Corner rezoning application demonstrates that testing of the property was conducted at 50' intervals, with the exception of areas that were poorly drained or previously disturbed (which were tested at 75' to 100' intervals). No archaeological sites were identified during the Phase 1 survey of the Subject Property. Artifacts that were recovered from two shovel test pits were considered "isolated finds" and additional work was not recommended by the consultant.

V. Transportation

The Subject Property is located in the northwest quadrant of Ashburn Village Boulevard (Route 2020) and Waxpool Road (Route 625), which provide direct access to the Dulles Greenway (Route 267), Route 28, and Route 7. Ashburn Village Boulevard is a four-lane divided major collector road. The CTP calls for this portion of Ashburn Village Parkway to contain a six-lane divided section with bicycle accommodations in a 120-foot right-of-way, with additional land dedication for turn lanes. Waxpool Road is a variable-width two- to four-lane facility in the vicinity of the Subject Property. The CTP calls for this portion of Waxpool Road to be a six-lane divided section with bicycle accommodations in a 90-foot right-of-way, with turn lanes required at all intersections. Site access will be accommodated through one entrance point on Ashburn Village Boulevard directly across from the planned future connection point of Red Rum Drive, which will connect to an entrance further north on Ashburn Village Boulevard. One right-in-right-out entrance/exit will be located at Waxpool Road.

The proffers for the Morley Corner rezoning will be constructed by the developer of the residential component by agreement between the Church and the residential developer. These improvements will include constructing Ashburn Village Boulevard as a four-lane divided roadway across the site frontage and constructing a two-lane half-section across the site frontage on Waxpool Road. Additionally, the Applicant will be contributing one-fourth the cost of constructing the signal for the Ashburn Village Boulevard/Waxpool Road intersection.

Based on the traffic study performed by Gorove/Slade Associates, Inc., as well as considering ITE rates, this proposal will generate approximately 543 new trips in the weekday morning peak hour, 238 new trips in the weekday afternoon peak hour, and approximately 1,040 new trips on the Sunday peak hour by 2012. Daily total traffic volumes for weekday and Sunday are 3,549 and 3,351, respectively. Except for Sunday peak hour, the proposed uses will generate far less trips than the permitted uses for the Subject Property approved in accordance with ZMAP 2006-0003 and SPEX 2007-0004 (Morley Corner), including approximately 121 fewer trips during the AM peak hour, 1,033 fewer trips during the PM peak hour, 8,447 fewer daily trips, and 3,722 fewer trips on Sunday.

VI. Zoning Map Amendment Review Criteria

Section 6-1211(E) of the Zoning Ordinance contains evaluation criteria for approval of ZMAP applications and, in considering this application, the following enumerated factors shall be given reasonable consideration. The Zoning Ordinance specifies that an applicant is to address each factor in its statement of justification (unless any such criteria are deemed inapplicable to the application). The following text in italics represents the Applicant's response to each factor:

(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan:

For reasons stated above, the proposed rezoning is consistent with the Revised General Plan. The proposed rezoning to the PD-OP zoning district better implements the planned Keynote Employment designation as the Subject Property is not located along one of the county's major commercial corridors, and the area surrounding the Subject Property, which are not designated as Keynote Employment has developed as residential communities. Civic uses are permitted in Keynote Employment areas, and the proposed church and school uses are specifically included in the definition of civic uses within the Revised General Plan. Being located at the edge of the Keynote Employment areas adjacent to areas designated as Residential, the civic and small retail uses serve as an appropriate transition between the employment and residential areas. The PD-OP zoning district is a favored zoning district through which to implement the Keynote Employment Policies. A church is a by-right use in the PD-OP zoning district.

- (2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate:**

Since the Revised General Plan's adoption, the adjacent areas designated for residential use have been developed as residential communities. This significant residential development generates demand for the proposed civic and commercial uses. The proposed church, accessory private school with before- and after-school child care, neighborhood retail, and private recreation uses would allow nearby residents to live close to places of worship, learning, and retail services, and would provide a greater land use balance within the Ashburn community.

- (3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity:**

The proposed uses—church, private school (subject to concurrent special exception approval), and recreation uses—are civic uses that are encouraged within the Keynote Employment area, and the proposed retail use is an appropriate component of a balanced Keynote Employment area. The Church hopes that the proposed small-scale commercial center will serve the convenience needs of the surrounding employment users and residential neighborhoods. The proposed PD-OP and PD-CC-NC zoning is needed to accommodate the proposed uses and since those uses will be limited by proffer to the proposal, the PD-OP zoning as requested in this application is compatible with the uses located on the properties surrounding the immediate vicinity of the Subject Property. The proposed church, private school, park, and retail uses would generate less vehicular traffic and be more compatible with neighboring residential units than the mixed-use development approved under the Morley Corner rezoning.

- (4) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned:**

The Subject Property is to be served by extensions of public water and sewer to the property at no cost to the County or Loudoun Water. The traffic study reports that Loudoun County in conjunction with VDOT is in the process of widening the existing two-lane section of Ashburn Village Boulevard from Faulkner Parkway to Unbridled Way to a four-lane median-divided road with a traffic signal at Ashburn Village Boulevard and Waxpool Road. Additionally, all of the proffers approved under the prior Morley Corner rezoning will be implemented with the development of the residential component of Morley Corner and with the proposed rezoning. The proposed rezoning will not affect school facilities, since no residential is included in the proposed rezoning. In fact, the accompanying concurrent special exception for a private school will alleviate demand for public school services by providing a cost-effective alternative to public school.

(5) The effect of the proposed rezoning on the County's ground water supply:

The proposed uses will be served by public water and sanitary sewer. Consequently, development of the Subject Property will not have adverse impacts on the County's groundwater supply.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils:

Soil characteristics of the Subject Property are shown on the Existing Conditions Plat. Geotechnical studies performed at the time of site plan will propose any remedies, if needed, due to soil characteristics.

(7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas:

As stated above, and based on the traffic study performed by Gorove/Slade Associates, Inc., as well as considering ITE rates, this proposal will generate approximately 543 new trips in the weekday morning peak hour, 238 new trips in the weekday afternoon peak hour, and approximately 1,040 new trips on the Sunday peak hour by 2012. Daily total traffic volumes for weekday and Sunday are 3,549 and 3,351, respectively. Except for Sunday peak hour, the proposed uses will generate far less trips than the permitted uses for the Subject Property approved in accordance with ZMAP 2006-0003 and SPEX 2007-0004 (Morley Corner), including approximately 121 fewer trips during the AM peak hour, 1,033 fewer trips during the PM peak hour, 8,447 fewer daily trips, and 3,722 fewer trips on Sunday.

(8) Whether reasonably viable economic use of the Subject Property exists under the current zoning:

The existing PD-CC-CC zoning permits higher-density, mixed-use development that is less compatible with surrounding residential uses, and the development of church, school, neighborhood retail component, and private athletic fields would be more compatible with the existing and emerging residential land use pattern of the area in the vicinity of the Subject Property.

(9) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality:

There are some environmentally sensitive areas including minor floodplain and moderately and very steep slope areas located along the western boundary of the Subject

Property. These areas are being preserved as open space under the proposed plan, as it was under the approved zoning for Morley Corner.

- (10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base:**

The portion proposed for the PD-CC-NC district provides economic development activity as part of the proposed rezoning, which will enlarge the tax base and provide employment. The civic uses will be tax exempt, since they are part of a church use. However, the private school proposed under the accompanying concurrent special exception will help to alleviate the County's tax burden by providing an alternative to families using the public school services. Additionally, the school provides employment.

- (11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth:**

The proposed rezoning complies with the Keynote Employment designation of the property under the Revised General Plan. The Revised General Plan takes into account the needs of agriculture, industry and businesses in future growth.

- (12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies:**

The proposed rezoning complies with the Keynote Employment designation of the property under the Revised General Plan with retail and civic uses proposed for the property. The Revised General Plan considered the current and future requirements of the community as to land for various purposes as determined by population and economic studies undertaken at the time of adoption of the Revised General Plan.

- (13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County:**

The proposed rezoning complies with the Keynote Employment designation of the property under the Revised General Plan with civic and retail uses proposed for the property. The Revised General Plan designations encourage the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

- (14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County:**

The proposed rezoning complies with the Keynote Employment designation of the property under the Revised General Plan with retail and civic uses proposed for the property. The Revised General Plan designation considers the trends of growth or changes, employment and economic factors, the need for housing, and probable future economic and population growth of the County.

- (15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County:**

No housing is proposed in this application, consistent with the Keynote Employment designation.

- (16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance:**

The environmentally sensitive areas on the property are being preserved as open space. Other than the environmentally sensitive areas, no natural, scenic, archaeological or historic features of significant importance are located on the property.

VII. Special Exception Review Criteria

Section 6-1310 of the Zoning Ordinance contains evaluation criteria for approval of SPEX applications and, in considering this application, the following enumerated factors shall be given reasonable consideration. The Zoning Ordinance specifies that an applicant is to address each factor in its statement of justification (unless any such criteria are deemed inapplicable to the application).

- A) Whether the proposed special exception is consistent with the Comprehensive Plan.**

For reasons discussed above, the proposed special exception is consistent with the Revised General Plan. The proposed special exception request is to permit a private Kindergarten through grade 12 school, as ancillary use to the proposed use of the site for church purposes. As the proposed church use is a permitted use under the PD-OP zoning district, the proposed use to be considered under the special exception application is limited to consideration of the proposed ancillary school to that of the permitted church use. The before and after school care programs that will be run by the school also is a permitted use in the PD-OP zoning district as a day care use. However, this permitted use will only be implemented if the private school use is permitted for the property. The Keynote Employment designation anticipates the necessity of civic uses to create

successful Keynote Employment communities. Therefore, the private school use is consistent with the Revised General Plan as a civic use component of the Keynote Employment area. Furthermore, civic uses are permitted in Keynote Employment areas, and the proposed school use is specifically included in the definition of civic uses within the Revised General Plan. Public school enrollment has consistently exceeded projections, and school officials are predicting continued enrollment expansion in the coming years. Further, the private school use will help to alleviate existing and future overcrowding at County public schools.

- B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.**

The proposed use will meet all requirements of the Fire Code in order to provide for fire safety and control and will be constructed in conformance to all applicable codes, industry and utility standards, and government rules and regulations.

- C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.**

The proposed private school use proposed for the site will not generate noise that would have a negative impact on others in this vicinity. Substantial buffer areas are provided between the outdoor recreation areas to be used by the school and the adjacent residential community to the west.

- D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.**

All lighting for the structures and parking will be appropriately shielded, directed downward and inward towards the property.

- E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.**

The site is located at the edge of the Keynote Employment area, and is adjacent to the residential communities. These residential and mixed-use communities are compatible with the proposed private school as is the employment area across Ashburn Village Boulevard.

- F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.**

The Special Exception proposal is for a private school ancillary to a church. The Applicant is proposing a variable-width 15- to 20-foot Type 3 landscape buffer in accordance with County standards and will appropriately buffer the Subject Property in

relation to surrounding properties. Additionally, the floodplain located along the western boundary provides a substantial natural open space buffer area.

- G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.**

The existing stands of trees primarily are located in the floodplain area along the western property boundary, which is being preserved as open space. There are no known endangered plant or animal species on the Subject Property, nor are there any known significant historic or archaeological features on the Subject Property.

- H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.**

The Subject Property contains a number of environmental features, including floodplain, wetlands, moderately steep slopes and forested areas. Most of the forest resources are located within the areas of the wetlands, floodplains, and moderately steep slopes. An unnamed tributary to Beaverdam Run lies along the western and northern boundary of the site, which has minor floodplain, wooded area, moderately steep slopes and predicted wetlands associated with it. These environmentally sensitive features will be protected as they were in the Morley Corner approvals under ZMAP 2006-0003 and SPEX 2007-0004.

- I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.**

The proposed school will be located in the Ashburn community of the Suburban Policy Area, centrally located to a large number of residential communities. The high growth rate in Loudoun County has been accompanied by concurrent growth in the demand for educational services. The proposed special exception would contribute to the availability of these important services and promote the welfare of the public by providing a mechanism to meet the demand for school services within the County and will provide fully accredited educational opportunities to for approximately 500 students each year at no cost to the County.

- J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.**

As discussed above, the Subject Property will be adequately served by the existing road network. The traffic study, prepared by Gorove Slade Associates, Inc., notes a substantial decrease in the vehicle trips as a consequence of the retail, church and private school

uses over the build-out of the site as permitted under the prior Morley Corner approvals under ZMAP 2006-0003 and SPEX 2007-0004.

- K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.**

A new structure will be constructed to house the proposed private school, which will meet all code requirements of Loudoun County.

- L) Whether the proposed special exception will be served adequately by essential public facilities and services.**

The private school will be served adequately by the existing public facilities and services. Central utilities have been extended to the site by the applicant.

- M) The effect of the proposed special exception on groundwater supply.**

The proposed private school use will be served adequately by existing public water and sewer services through the proposed Temple Baptist Church. Central utilities will be extended to the site by the Applicant.

- N) Whether the proposed use will affect the structural capacity of the soils.**

No negative impact on the structural capacity of the soils is anticipated and construction will be accomplished in accordance with the requirements of the Facilities Standards Manual ("FSM").

- O) Whether the proposed use will negatively impact orderly and safe road development and transportation.**

As stated above, the trips generated by the proposed use will be adequately and safely served by the existing road network, as well as by the proposed road improvements outlined in the traffic study and the implementation of the proffers approved under the Morley Corner rezoning. The traffic study noted a decrease in the vehicle trips as a consequence of the proposed uses over the build out of the site as a PD-IP proposal. The proposal includes trail connections to the site to further reduce vehicle trips.

- P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.**

The proposed private school will employ approximately 56 staff members. Child care and school services are needed in this rapidly expanding area to meet the needs of current

and future residents. Although a private school associated with a church will not enlarge the tax base, it will help to alleviate the tax burden by providing a cost-effective alternative to the public school to Loudoun families.

Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.

This school with before and after school child care uses will require approximately 56 staff members. Child care and school services are needed in this rapidly expanding area to meet the needs of current and future residents.

R) Whether adequate on and off-site infrastructure is available.

Central utilities will be extended to the site by the Applicant. The traffic study noted a substantial decrease in the vehicle trips as a consequence of the proposed church use over the build-out of the site as approved under the prior Morley Corner approvals under ZMAP 2006-0003 and SPEX 2007-0004. The proposal includes trail connections to the site to further reduce vehicle trips.

S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

The Applicant does not anticipate any odors that will be generated by the proposed private school use.

T) Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Because the Subject Property has direct access to Waxpool Road and Ashburn Village Boulevard, construction access to the site can be accomplished without any impact upon residential neighborhoods and school areas.

VIII. Conclusion

For the foregoing reasons, Temple Baptist Church respectfully submits that the Subject Property should be rezoned to the PD-OP and PD-CC-NC zoning districts and should be granted special exception approval for private school uses accessory to a church.

The Applicant's proposal reduces the amount of vehicular trips currently anticipated under the current zoning for the property with the proposed church and private school accessory to the church uses. This proposal also includes improvements that mitigate transportation impacts and impacts to environmental features, and creates usable open space in accordance with

Revised General Plan policies. Temple Baptist Church looks forward to working with Loudoun County on this application.